

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**JOHN A. ORTLAND**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO.1:07-CV-1075 LG RHW**

**HARRISON COUNTY MISSISSIPPI, ET AL.**

**DEFENDANTS**

---

**MOTION FOR SUMMARY JUDGMENT BY  
DEFENDANT HEALTH ASSURANCE LLC**

---

Pursuant to F.R.C.P. 56(c), Defendant Health Assurance LLC files this Motion for Summary Judgment, and in support of the motion states:

1.

*Pro se* Plaintiff John A. Ortland filed a Complaint [#1] a First Amended Complaint [#3] and a Second Amended Complaint [#15] and makes federal law claims under 42 U.S.C. § 1983, 42 U.S.C. § 1985 and 42 U.S.C. § 1986 and state-law claims for assault, battery, civil conspiracy and intentional infliction of emotional distress

2.

On February 2, 2009, the Court dismissed the state law claim. [#32].

3.

Defendant Health Assurance LLC moves for summary judgment because the undisputed material facts show it is entitled to a judgment of dismissal on the merits as a matter of law.

4.

In support of this motion, defendants rely upon the following:

- (a) Plaintiff's Second Amended Complaint [#15];
- (b) Pat Olsen's Affidavit. (Exhibit "I")

5.

Defendant Health Assurance LLC will file a memorandum of authorities in support of this motion.

Based upon the foregoing and for the legal reasons set forth in the memorandum of authorities, Defendant Health Assurance LLC asks the Court to dismiss with prejudice all claims made against it.

THIS the 6th day of March, 2009.

Respectfully submitted,

**HEALTH ASSURANCE LLC**

*/s/ Robert H. Pedersen*

Walter T. Johnson (MSB #8712)

Robert H. Pedersen (MSB #4084)

**OF COUNSEL:**

Walter T. Johnson  
Robert H. Pedersen  
WATKINS & EAGER PLLC  
400 East Capitol Street, Suite 300  
P. O. Box 650  
Jackson, Mississippi 39205  
Phone: (601) 965-1900  
Fax: (601) 965-1901  
[wjohnson@watkinseager.com](mailto:wjohnson@watkinseager.com)  
[bpedersen@watkinseager.com](mailto:bpedersen@watkinseager.com)

**CERTIFICATE OF SERVICE**

I, Robert H. Pedersen, as counsel for Defendant Health Assurance LLC, hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

JIM DAVIS, PA  
P. O. Box 1521  
Gulfport, MS 39502  
[ian.brendel@yahoo.com](mailto:ian.brendel@yahoo.com)

*Attorney for Defendant Rick Gaston*

Cyril T. Faneca  
DUKES, DUKES, KEATING & FANECA  
P.O. Drawer W  
Gulfport, MS 39502-0680  
[Cy@ddkf.com](mailto:Cy@ddkf.com)

*Attorneys for Defendants David Brisolara, George Payne, Captain Phil Taylor  
and Diane Gaston-Riley*

Karen Jobe Young, Esq.  
Meadows Riley Law Firm  
Post Office Drawer 550  
Gulfport, Mississippi 39502  
[kyoung@datasync.com](mailto:kyoung@datasync.com)

*Attorney for Defendant Harrison County, Mississippi*

and I hereby certify that I have mailed by United States Postal Service a true and correct copy of the above and foregoing pleading to the following non-ECF participants:

John A. Ortland  
c/o Mason Ulm Taylor  
10325 34<sup>th</sup> Avenue  
Gulfport, MS 39503

THIS the 6th day of March, 2009.

*/s/ Robert H. Pedersen*

Walter T. Johnson  
Robert H. Pedersen